

OPEN

PLANNING COMMITTEE

29<sup>th</sup> November 2016

PRESENT:-

**Conservative Group**

Councillor Mrs Brown (Vice-Chairman) and Councillors Atkin, Coe (substituting for Councillor Roberts), Mrs Coe, Ford, Mrs Hall, Harrison, Stanton and Watson

**Labour Group**

Councillors Dr Pearson, Shepherd, Southerd and Tilley

**In Attendance**

Councillors MacPherson, Murray (Conservative Group) and Taylor (Labour Group)

**PL/115 APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillor Roberts.

**PL/116 DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in Item 1.5 by virtue of knowing one of the applicants. Councillor Shepherd declared a prejudicial interest in Item 1.6 on the Agenda by virtue of being the applicant.

**PL/117 QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

**PL/118 REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/119 **CONTINUED USE OF LAND TO PROVIDE 5 GYPSY PITCHES ON ORIGINAL GROUND LEVELS WITH CREATION OF HARDSTANDING AND ACCESS ROAD AT THOSE LEVELS, ALONG WITH THE ERECTION OF AN AMENITY BLOCK, RETENTION OF BOUNDARY WALLS AND ROAD OVERSEAL SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day. The Planning Services Manager advised the Committee of the recent history of the site and that further to the report; Warwickshire County Council had confirmed the status of the applicant as traveller/gypsy. Amendments to conditions 1, 8, 9 and 10 were also explained in that these pre-conditions could not be enforced as the work had been started. The Planning Services Manager advised the Committee that it had been brought to his attention that the applicant had lodged an appeal against an enforcement notice and the compliance with the 90-day timeframe. As such, this suspended the effect of the enforcement notice and the Stop Notice would prevent further breaches.

Mrs S. Jones (objector) and Mrs Aida McManus (applicant's agent) attended the Meeting and addressed Members on this application

Councillor Mrs Hall addressed the Committee as Ward Member for the Seales, and citing policies H22 and SD1 of Part One of the Local Plan raised concerns regarding highways safety, access to the site, drainage, and the potential adverse impact on the environment and amenity of existing residents. The Councillor noted that South Derbyshire's provision of gypsy sites, particularly in this area, had been more than sufficient.

Councillor Murray, as the other Ward Member, concurred that the previous permission for housing was preferred and also raised concerns about access, noise and the potential difficulty of imposing the amended condition 6 due to the applicant's landscaping business. The application would therefore be contrary to policy H22 of Part One of the Local Plan.

Councillors sought clarification on the pitch occupation. The Planning Services Manager advised that one pitch could include the provision of one static and one touring caravan, the Councillor queried whether the calculation of the five pitches would potentially allow up to ten caravans. The Planning Services Manager confirmed this was correct. Councillors raised the matter of the removal of the hardstanding, and whether the outcome of the appeal needed to be known before a planning decision was made. The Planning Services Manager clarified that the appeal has been lodged to challenge the length of the time period not the removal of the materials. It was asked if the applicant could start work sooner than the appeal decision and Members were advised that so long as the conditions were adhered to, certain works could be started. It was queried whether drainage would be monitored to which the Planning Services Manager responded that the conditions within the report addressed this concern and safeguarded compliance.

**RESOLVED:-**

***That planning permission be refused contrary to officer recommendation on the grounds that this development would be harmful to the residential amenity and therefore contrary to policies H22 and SD1 of Part One of the Local Plan.***

Abstentions: Councillors Dr Pearson, Shepherd, Southerd and Tilley

Councillor Murray left the Meeting at 7pm

- PL/120 **CHANGE OF USE OF VACANT LAND TO AN AREA OF HARD STANDING FOR SKIP STORAGE (USE CLASS B8) ON LAND AT SK2828 2357 THE CASTLE WAY WILLINGTON DERBY**

It was reported that members of the Committee had visited the site earlier in the day. The Planning Services Manager clarified that the site will be used solely for the storage of empty skips and not for the disposal of waste.

Mrs Sue Bussey (objector) and Ms Alexis Tysler (applicant's agent) attended the Meeting and addressed Members on this application.

The Vice-Chairman enquired whether additional landscaping could be incorporated to strengthen boundaries and if a height restriction to the stacking of the skips would be imposed in order to prevent a visible intrusion.

Councillor Ford as local Ward Member whilst acknowledging the history of the site and the merits of the application, requested that for the protection of the residents whether a temporary permission for two years could be granted. Councillors sympathised with the issues raised and agreed that temporary permission with additional landscaping would address these concerns.

***RESOLVED:-***

***That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to temporary consent for 2 years, amendment to landscaping conditions and maximum storage height.***

- PL/121 **CONSTRUCTION OF A NEW SURFACED MULTI USE RECREATIONAL FAMILY CYCLE TRAIL COMPRISING A MAIN SECTION CONNECTING THE ENDS OF THE EXISTING TRAMWAY CYCLE ROUTE TO FORM A CIRCULAR TRAIL AND A SHORTCUT SECTION CONNECTING TO A MID-WAY POINT ON THE EXISTING CYCLE ROUTE AT CALKE ABBEY MAIN STREET TICKNALL DERBY**

The Area Planning Officer presented the report highlighting where the route would be and the environmental and agricultural impact.

Parish Councillor Paul Colleyshaw (objector) and Mr Stewart Alcock (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Stanton addressed the Committee as the local Ward Member, highlighting that parking in Ticknall was already an issue due to the usage by visitors to Calke Abbey. Whilst Councillors welcomed the health benefits of cycling and walking to the attraction, concerns were raised that the cycle route would add further strain to parking and requested that the National Trust consider offering free parking at Calke Abbey in order to alleviate this matter. The Committee requested that the National Trust liaise with parish councils of the affected wards to collaborate and seek a collective solution to the issues raised.

***RESOLVED:-***

***That planning permission be granted as recommended in the report of the Director of Community & Planning Services with the Informative to encourage National Trust and Parish Council liaison.***

Abstentions: Councillors Dr Pearson, Shepherd, Southerd and Tilley

PL/122 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 14 DWELLINGS ON LAND AT SK3220 4756 WOODVILLE ROAD HARTSHORNE SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day. The Area Planning Officer clarified that whilst the site lay on the settlement boundary, it addressed the need for affordable housing.

Mr Andrew Mansfield (objector) and Ms Alexis Tysler (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Mrs Coe, as the local Ward Member for Woodville, expressed that whilst understanding the merits of application including affordable housing, highlighted reservations about the access to the development and noted that concerns about this application had been raised at the parish council and resident's association meetings. Safety concerns regarding traffic in this location were also raised.

Councillor Taylor addressed the Committee as another local Ward Member for Woodville, highlighting that the proposed development did not meet all five criteria in the exceptions policy because the site does not relate well to the settlement, therefore changed the character of the area and impinged on the environment

The Area Planning Officer and the Planning Services Manager explained the history, benefits and impact of the application as detailed in the report and acknowledged that concerns had been raised regarding the landscape setting of the village. However, the social benefits in the housing provision included in the proposed development made it an exception site.

A discussion regarding the concerns and benefits of the application ensued where policy H21 was cited and details of the flood management scheme were requested and addressed by the planning officers.

***RESOLVED:-***

***That planning permission be refused contrary to officer recommendation on the grounds that this application is contrary to policy, and intrusive into the countryside***

Abstentions: Councillors Atkin and Southerd

Councillors MacPherson and Taylor left the Meeting at 8.10pm

- PL/123 **ERECTION OF 37 CARE APARTMENTS (USE CLASS C2) AND A VILLAGE CLUBHOUSE IN LIEU OF 36 DWELLINGS APPROVED UNDER PLANNING PERMISSION REF: 9/2014/0232 (TO FORM AN EXTENSION TO THE CARE RETIREMENT VILLAGE) TOGETHER WITH RECONFIGURATION OF 38 DWELLINGS (USE CLASS C3) PREVIOUSLY APPROVED UNDER THE SAME PERMISSION ON LAND OFF MAPLE DRIVE ASTON ON TRENT DERBY**

The Planning Services Manager presented the report showing the elevations and maps of the location of the site boundaries highlighting that the proposed clubhouse/development will be in a similar style to the remainder of the village.

Mr Peter Rutter (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Watson, as Ward Member for Aston-on-Trent, commended the work completed by this developer on the adjoining site and noted that in balance although there would be some loss of housing provision, there's more to gain. Councillor Atkin endorsed this as another Ward Member.

***RESOLVED:-***

***That planning permission be granted as recommended in the report of the Director of Community & Planning Services.***

- PL/124 **THE FELLING OF A TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 336 AT 52 CHEAL CLOSE SHARDLOW DERBY**

The Area Planning Officer presented the report highlighting the reason for the Tree Preservation Order.

Mrs Navada Ward (applicant) attended the Meeting and addressed Members on this application.

Councillor Watson addressed the Committee as local Ward Member noting that he had visited the site to view the tree and had researched into this

particular type of tree. The Committee were informed that the Norway Maple in this purple variety would not only be in touching distance of the property when in full growth, but also the intensity of its exceptionally dense leaf growth would also stunt the growth of any plants or grass under its canopy. The Councillor added that this tree is prone to damage, has no/low amenity value because of its shape, and limited the use of the garden.

The Planning Services Manager, suggested replacing the tree with a more appropriate species to be determined in conjunction with the Council's Tree Officer

Councillors expressed concern that this might set a precedent, but the Vice-Chairman and Planning Services Manager underlined that each case is judged on its own merit.

***RESOLVED:-***

***That permission be granted contrary to recommendation in the report of the Director of Community & Planning Services.***

PL/125 **SUSPENSION OF STANDING ORDERS**

***RESOLVED:-***

***That Standing Orders be suspended and that the meeting of the Committee continue beyond 8.30pm.***

Councillor Shepherd left the Chamber at 8.30pm.

PL/126 **THE FELLING AND PRUNING OF TREES AT 11 HIGH STREET TICKNALL DERBY**

Councillor Watson queried the content of the report.

***RESOLVED:-***

***That planning permission be granted as recommended in the report of the Director of Community & Planning Services.***

Councillor Shepherd returned to the Chamber at 8.35pm.

PL/127 **PROPOSED TREE PRESERVATION ORDER 436: LAND ADJACENT TO 572 BURTON ROAD, MIDWAY, SWADLINCOTE, DE11 0DP**

The Planning Services Manager presented the report highlighting the two trees selected to be protected by the Tree Preservation Order as they contributed to the amenity of the street

***RESOLVED:-***

***Members confirmed this Tree Preservation Order (TPO) without modification.***

PL/128 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

***The Committee was informed that no questions had been received.***

The meeting terminated at 8.40pm.

COUNCILLOR MRS L BROWN

VICE-CHAIRMAN